

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CSABA P. GABOR

Appeal No. 96-2074
Application 08/129,425¹

ON BRIEF

Before THOMAS, KRASS and FLEMING, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

ON REQUEST FOR REHEARING

¹ Application for patent filed September 29, 1993. According to the appellant, this application is a continuation of 07/687,306, filed April 18, 1991.

On June 18, 1998, appellant filed a request for reconsideration of our decision rendered on May 12, 1998 in which we affirmed-in-part the rejection set forth by the examiner. In light of the most recent amendments to 37 CFR § 1.197 effective December 1997, we treat this request for reconsideration as a request for rehearing.

Appellant requests rehearing only as to our affirmance of independent claim 31 relative to the rejection under 35 U.S.C. § 103 in light of Taaffe. The proper context of this rejection was set forth in the paragraph bridging pages 2 and 3 of our original opinion, where we indicated that the examiner was in substance relying upon Taaffe in light of selected portions of appellant's statement of the prior art between pages 1 and 3 of the specification as filed.

Appellant does not contest our affirmance of the examiner's rejection of claims 20 and 33 in the request for rehearing.

In the paragraph bridging pages 4 and 5 of our original opinion we indicated first that the "font cartridge" language of the preamble of claim 31 had no stated relevance to the subject matter in the body of the claim on appeal as recited.

This was restated in a somewhat different manner at the top of page 5 of the opinion where we indicated that the body of claim 31 on appeal did not recite in the memory means and data processor means clauses that both are contained within or on the "font cartridge" in the preamble. We see no need to review and assess the case law relied upon by appellant in the request for rehearing since, to simplify matters, we simply assume for the sake of argument that appellant is correct that we did error in some manner according to current case law that the "font cartridge" language in the preamble gives life and meaning to the claim because it defines the memory means and the data processor of the body of the claim within a font cartridge. The bottom line of appellant's urging is that this is the sole basis for us to therefore now reverse the examiner's rejection of claim 31 as being obvious over Taaffe in lieu of appellant's admitted prior art. We see no error in our ultimate conclusion of the obviousness of claim 31 within 35 U.S.C. § 103.

The reasoning set forth at pages 7 and 8 of our original opinion indicates why we concluded the propriety of the examiner's view rejecting claim 31 within 35 U.S.C. § 103 in

light of Taaffe's teachings and appellant's admitted prior art. This assessment made specific reference to pertinent portions of Taaffe's background of the invention as well as other locations in this reference. Most of our discussion focused upon the obviousness of placing the compressed font memory data within a memory cartridge in accordance with the prior art approach recognized by appellant in the portions of appellant's specification the examiner referenced and relied upon in the statement of the rejection.

Though not clearly expressed at this portion of our opinion, it clearly would have been obvious to have modularized, in a form of one of the prior art cartridges, the data processor as well in the same cartridge, which itself was well known in the art anyway according to appellant's assessment of the prior art and the teachings in Taaffe as well. Taaffe's device has an image archive/processor 17 in Fig. 1a as well as an image-graphic processor 43 in Fig. 1b. To increase modularity and ease of changing fonts or font groups quickly, it would have been obvious to the artisan to have placed the processor as well within the same cartridge where the compressed font data was located in the form of a

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memory cartridge. Our reasoning at pages 7 and 8 of the original opinion clearly relies upon the teachings of the need to minimize processing time as specifically taught in Taaffe. Thus, it would have been obvious to the artisan to have further minimized processing time to decompress the compressed font data by a data processor collocated with the memory storing the compressed data, particularly to enable the font data to be decompressed on a line by line basis as well as a character by character basis more quickly for higher speed printing operations.

We have granted appellant's request for rehearing to the extent that we have reconsidered our decision of May 12, 1998, but we deny the request with respect to making any changes therein.

No time for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

DENIED

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Application 08/129,425

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JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS))
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
MICHAEL R. FLEMING)	
Administrative Patent Judge)	

SEED and BERRY
Att: Robert Iannucci
6300 Columbia Center
Seattle, WA 98104-7092